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BEFORE THE ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION
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IN THE MATTER OF QWEST
CORPORATION'S COMPLIANCE WITH
SECTION 252(e) OF THE
TELECOMMUNICATIONS ACT OF 1996.

Docket No. RT-00000F-02-0271

RUCO'S COMMENTS

The Residential Utility Consumer Office ("RUCO") respectfully submits the following comments in response to Staff's Report of December 5, 2002 regarding the 15 agreements submitted by Qwest Corporation ("Qwest") for Commission Approval pursuant to Section 252(e)(2). RUCO agrees with Staff's recommendations with the following additions.

Settlement Agreement between Qwest and Eschelon Telecom, Inc. dated March 1, 2002 (the "2002 Eschelon Agreement").

Qwest has redacted the settlement dollar figures claiming that the information relates solely to specific CLECs and not to Section 251(b) or (c) services. That may be true so long as the underlying agreements are made in good faith and are unrelated to Section 251(b) or (c). However, the agreements in question contain provisions relating to Section 251 (b) and or (c) and the Commission is well aware that serious questions remain concerning Qwest's good faith in its filing of the interconnection agreements.

For example the FCC would deem the Escalation procedures and business solutions letter dated November 15, 2000 an interconnection agreement. See FCC Memorandum Opinion and Order, October 2, 2002 at page 5. Qwest might argue that the escalation procedure is generally available to carriers but RUCO argues that Qwest's escalation

1 agreement with Eschelon was discriminatory. The Minnesota PUC found that the escalation
2 procedures in the agreement discriminatory finding the procedures allowed "Eschelon to start
3 the escalation process where ... the process for every other CLEC ends."

4 The 2002 Eschelon Agreement shows that Qwest is paying Eschelon to terminate
5 arrangements that were discriminatory and should have been filed under the Act. This
6 Commission is investigating the reasons why Qwest and Eschelon did not file the prior
7 arrangements. The amount that Qwest paid to terminate discriminatory arrangements should
8 be unredacted and made public. The 2002 Eschelon Agreement does not relate to the kind of
9 routine, good faith billing dispute that the FCC contemplated in the Order of October 2, 2002.
10 FCC Order at 6.

11 RESPECTFULLY SUBMITTED this 16th day of December, 2002.

12 
13 Daniel W. Pozefsky
14 Attorney

1 AN ORIGINAL AND THIRTEEN COPIES
of the foregoing filed this 16th day
2 of December 2002 with:

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